

**Question for written answer E-005745/2020
to the Commission**

Rule 138

Jordi Solé (Verts/ALE), **Diana Riba i Giner** (Verts/ALE)

Subject: Spain's violation of unaccompanied migrant children's fundamental rights

The United Nations Committee on the Rights of the Child has found that Spain's procedures to determine the age of unaccompanied migrant children violate their fundamental rights, the right to identity, the right to be heard and the right to special protection of children deprived of their family environment. Since 2019, the Committee on the Rights of the Child has adopted 14 decisions against Spain on this issue¹.

Article 25(5) of the Asylum Procedures Directive (APD) currently establishes that if 'Member States are still in doubt concerning the applicant's age, they shall assume that the applicant is a minor'. Furthermore, 'any medical examination shall be performed with full respect for the individual's dignity' and 'shall be the least invasive'. However, decisions by the Committee on the Rights of the Child prove how several migrant minors in Spain were detained and brought to adult holding centres for migrants, with no age assessment being performed, or proven wrong at a later stage².

1. Does the Commission consider that Article 25(5) of the APD is being fully implemented by Spain?
2. If not, what actions will the Commission undertake in order to ensure its implementation?

¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26375&LangID=E>

² <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26375&LangID=E>